

SENATE BILL 2175  
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AN ACT to amend Tennessee Code Annotated, Section 4-29-228 and Title 43, relative to African-American farmers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 1, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. There is created a commission to be known as the Tennessee commission on African-American farmers to oversee all issues concerning a broad range of matters related to racial discrimination in the administration of governmental agricultural programs concerning African-American farmers. The commission shall be attached to the department of agriculture for administrative purposes only.

SECTION 3. The commission shall plan, develop, and administer projects, programs, services and state and federal funds designated for, and relating to, African-American farmers in this state and shall be designated as the sole state agency to plan and administer all state activities related to African-American farmers.

SECTION 4.

(a) The commission shall consist of nine (9) members, three (3) to be appointed from each of the grand divisions, who are persons providing leadership and knowledge about the discrimination against African-American farmers and especially in the administration of governmental agricultural programs. The members shall be appointed by the governor. Six (6) members shall be nominated by the Black Farmers and Agriculturalists Association, one (1) member shall be nominated by the dean of the Tennessee State University, School of Agricultural and Consumer Sciences, one (1)

member shall be nominated by the dean of the University of Tennessee, Martin, School of Agriculture and Human Environment, and one (1) member shall be nominated by the University of Tennessee, College of Agricultural Sciences and Natural Resources.

(b) The terms of office for members of the commission shall be six (6) years, provided that the initial appointments shall be staggered so that three (3) members are initially appointed for a six-year term; three (3) members are initially appointed for a four-year term; and three (3) members are initially appointed for a two-year term. Vacancies occur on the commission, a person shall be appointed to fill the vacancy for the unexpired term, in accordance with the original nomination process.

SECTION 5. The commission shall:

- (1) Meet as necessary to transact business;
- (2) Promulgate bylaws to provide for the election of officers, establishment of committees, meetings, and other matters relating to commission functions;
- (3) Elect a chair and a vice chair and other officers in the commission's discretion;
- (4) Allocate funds for projects and programs for African-American farmers, subject to the limits of the appropriation by the general assembly and funds available or received from the federal government for such projects and programs. The commission is authorized to accept funds from the federal government and private sources and to administer such funds to achieve its purposes;
- (5) Serve as an advocate within government and in the community for African-American farmers in Tennessee;
- (6) Conduct administrative hearings and promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as are necessary and appropriate to carry out the purposes of this act;

(7) Receive the cooperation of other state departments and agencies in carrying out the policies and objectives of this part;

(8) Employ or dismiss an executive director by a majority vote of the membership to which the commission is entitled, subject to personnel regulations of the state. The commission may fix the executive director's duties and responsibilities that are in addition to those specified in this part. The commission shall evaluate periodically the performance of the executive director; and

(9) Enter into such contracts and make such grants within the limits of appropriated funds, as are necessary or appropriate under this part, and in a manner consistent with state and federal law.

SECTION 6. In addition to the powers, responsibilities or duties granted to the commission in Section 5, the commission may:

(1) Create subcommittees to undertake such special studies as it shall authorize and include on such subcommittees persons qualified in any field of activity relating to African-American farmers;

(2) Advise the governor and the heads of state departments and agencies regarding policies, programs, services, and allocation of funds concerning African-American farmers and make recommendations for legislative action to the governor and to the general assembly; and

(3) Hold hearings and conduct research and other appropriate activities concerning the plight of the African-American farmer, including the issues surrounding the USDA loan and credit policies towards African-American farmers and the class action settlement related to racial discrimination in the administration of USDA programs.

SECTION 7. Members of the commission shall receive no compensation for their services other than a reimbursement for traveling and other expenses incurred in the

attendance of meetings required by this act or other meetings authorized by the commission. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 8. Tennessee Code Annotated, Section 4-29-228(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Tennessee commission on African-American farmers, created by Section 2 of this act;

SECTION 9. This act shall take effect July 1, 2005, the public welfare requiring it.